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1635

DOCKET NO.: C1039.70048US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 09/818,918
Confirmation No.: 4953
Filed: March 27, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACID
MOLECULES
Examiner: Jane J. Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 9th day of December, 2003.

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Supplemental Information Disclosure Statement Under 37 C.F.R. §1.56, 1.97 & 1.98
- ☒ Form PTO-1449 with References Cited
- ☒ Check in the amount of \$180.00
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500, Boston, Massachusetts.

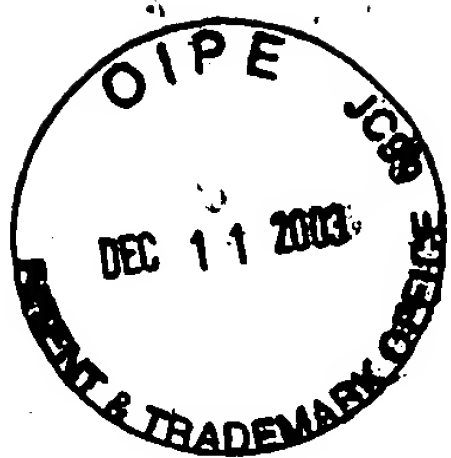
The Commissioner is hereby authorized to charge any deficit or credit any overpayment to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Krieg et al., Applicant

By:

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128
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600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No.: C1039.70048US00
Date: December 9, 2003
xNDDx



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Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. § 1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in this application.

The fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

12/12/2003 GWORDOF1 00000045 09818918

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PART II: Information Cited

A. The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications (copies enclosed) that may contain subject matter related to this application:

Docket No.	Serial No.	Filing Date	Inventor
C1037.70016US00	09/009,634	01-20-1998	Hutcherson et al.
C1039.70042US00	09/630,319	07-31-2000	Krieg et al.
C1039.70057US00	09/965,101	09-26-2001	Davis et al.
C1039.70062US00	10/187,489	07-02-2002	Krieg et al.
C1039.70069US00	10/314,578	12-09-2002	Krieg et al.
C1039.70070US00	10/382,822	03-06-2003	Krieg et al.
C1039.70071US00	10/435,656	05-09-2003	Krieg et al.
C1039.70072US00	10/434,696	05-09-2003	Davis et al.
C1039.70075US00	10/613,916	07-03-2003	Krieg et al.
C1039.70077US00	10/619,279	07-14-2003	Krieg
C1039.70078US00	10/627,331	07-25-2003	Krieg et al.
C1039.70079US00	10/627,413	07-25-2003	Krieg et al.
C1041.70035US00	10/373,381	02-25-2003	Wagner et al.
C1041.70037US00	10/407,952	04-04-2003	Lipford et al.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

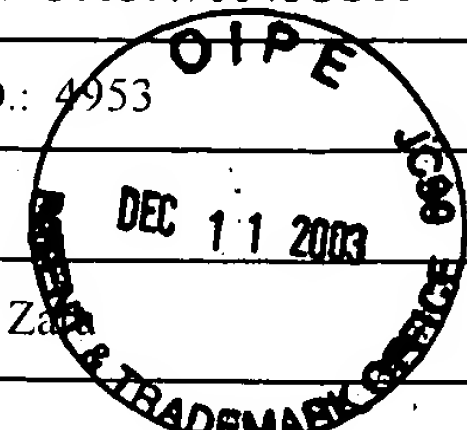
Respectfully submitted,
Krieg et al., *Applicant*

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Docket No. C1039.70048US00
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XNDDX

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/818,918		ATTY. DOCKET NO.: C1039.70048US00		
				FILING DATE: March 27, 2001		CONFIRMATION NO.: 4953		
				APPLICANT: Krieg et al.				
				GROUP ART UNIT: 1635		EXAMINER: Jane J. Z...		
Sheet	1	of	1					



U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A7	2001/0044416	A1	Davis et al.	11-22-2001
	A8	2003/0055014	A1	Bratzler	03-20-2002
	A9	6,406,705	B1	Davis et al.	06-18-2002
	A10	2002/0091097	A1	Bratzler et al.	07-11-2002
	A11	6,429,199	B1	Krieg et al.	08-06-2002
	A12	2002/0156033	A1	Bratzler et al.	10-24-2002
	A13	2002/0164341	A1	Davis et al.	11-07-2002
	A14	2002/0165178	A1	Schetter et al.	11-07-2002
	A15	2002/0198165	A1	Bratzler et al.	12-26-2002
	A16	2003/0026801	A1	Weiner et al.	02-06-2003
	A17	2003/0050263	A1	Krieg et al.	03-13-2003
	A18	2003/0091599	A1	Davis et al.	05-15-2003
	A19	2003/0100527	A1	Krieg et al.	05-29-2003
	A20	2003/0104523	A1	Lipford et al.	06-05-2003
	A21	2003/0139364	A1	Krieg et al.	07-24-2003
	A22	2003/0148976	A1	Krieg et al.	08-07-2003
	A23	2003/0148316	A1	Lipford et al.	08-07-2003
	A24	2003/0166001	A1	Lipford	09-04-2003
	A25	2003/0181406	A1	Schetter et al.	09-25-2003
	A26	2003/0191079	A1	Krieg et al.	10-09-2003

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B1	WO	98/32462	A1		07-30-1998	
	B2	WO	99/56755	A1		11-11-1999	
	B3	WO	99/58118	A2		11-18-1999	
	B4	WO	00/06588	A1		02-10-2000	
	B5	WO	00/14217	A3		03-16-2000	
	B6	WO	00/67023	A1		11-09-2000	
	B7	WO	01/22990	A2		04-05-2001	
	B8	WO	02/069369	A2		09-06-2002	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).